



General Assembly

**Amendment**

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Offered by:

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To: Subst. Senate Bill No. 929

File No. 796

Cal. No. 613

**"AN ACT CONCERNING CLOSING THE ACADEMIC ACHIEVEMENT GAP."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2011*) On or before July 1, 2012, the  
4 Performance Evaluation Advisory Council, established pursuant to  
5 section 10-151d of the general statutes, as amended by this act, shall  
6 develop a model teacher performance evaluation system for use by  
7 local and regional boards of education and regional educational  
8 service centers. Such model teacher performance evaluation system  
9 shall include: (1) A training program offered by the local or regional  
10 board of education or regional educational service center for the school  
11 district to teachers who are employed by such school district and  
12 whose performance is being evaluated and to administrators who are  
13 employed by such school district and who are conducting the  
14 performance evaluations. Such training program shall be offered prior  
15 to the implementation of any teacher performance evaluation system

16 adopted by the school district and shall include information relating to  
17 the standards, measures and protocols that will be used to evaluate  
18 teacher performance in the school district; (2) guidelines for the  
19 creation of individual teacher improvement and remediation plans for  
20 teachers whose performance is found to be deficient. Such teacher  
21 improvement and remediation plans shall be developed by the  
22 evaluating administrator, the teacher whose performance is found to  
23 be deficient and other persons deemed appropriate through a mutual  
24 agreement by a local or regional board of education or regional  
25 educational service center and the exclusive bargaining representative  
26 for certified employees chosen pursuant to section 10-153b of the  
27 general statutes. Such teacher improvement and remediation plans  
28 shall include, but not be limited to, a description of the reasons that a  
29 teacher's performance has been found to be deficient, a plan on how to  
30 improve such teacher's deficient performance, an articulation of  
31 measures of success, timelines and support for such teacher, periodic  
32 reviews of such teachers, an adequate time period, not to exceed one  
33 school year, for such teacher to improve his or her performance before  
34 the initiation of dismissal proceedings, and the provision of resources  
35 and support to such teacher during the improvement and remediation  
36 period by the local or regional board of education or regional  
37 educational service center and such exclusive bargaining  
38 representative for certified employees; (3) summative assessments at  
39 the end of the improvement and remediation period of each teacher  
40 whose performance is found to be deficient. Such summative  
41 assessments shall include recommendations by the evaluating  
42 administrator on whether such teacher successfully achieved the  
43 standards and goals set forth in the improvement and remediation  
44 plan, or whether a dismissal proceeding should be initiated. Such  
45 summative assessments may include recommendations from other  
46 persons deemed appropriate through a mutual agreement by a local or  
47 regional board of education or regional educational service center and  
48 the exclusive bargaining representative for certified employees chosen  
49 pursuant to section 10-153b of the general statutes; and (4) a dismissal  
50 proceeding process for teachers whose performance is found to be

51 deficient and who have not successfully achieved the standards and  
52 goals set forth in the improvement and remediation plan. Such  
53 dismissal proceeding shall be in accordance with the provisions of  
54 section 10-151 of the general statutes, as amended by this act. Any such  
55 dismissal proceeding shall be concluded not later than one hundred  
56 calendar days from the date the evaluating administrator submits the  
57 summative assessment recommending the dismissal of such teacher to  
58 the superintendent of schools for the school district employing such  
59 teacher. If such dismissal proceedings exceed one hundred calendar  
60 days, the hearing panel for such dismissal proceedings shall assess  
61 monetary penalties to the party responsible for the delay in such  
62 dismissal proceeding. The mutual agreements described in  
63 subdivisions (2) and (3) of this section shall not be subject to the  
64 provisions of section 10-153f of the general statutes.

65 Sec. 502. Section 10-151d of the general statutes is repealed and the  
66 following is substituted in lieu thereof (*Effective July 1, 2011*):

67 (a) There is established a Performance Evaluation Advisory Council  
68 within the Department of Education. Membership of the council shall  
69 consist of: (1) The Commissioners of Education and Higher Education,  
70 or their designees, (2) one representative from each of the following  
71 associations, designated by the association, the Connecticut  
72 Association of Boards of Education, the Connecticut Association of  
73 Public School Superintendents, Connecticut Federation of School  
74 Administrators, the Connecticut Education Association and the  
75 American Federation of Teachers-Connecticut, and (3) persons selected  
76 by the Commissioner of Education who shall include, but not be  
77 limited to, teachers, persons with expertise in performance evaluation  
78 processes and systems, and any other person the commissioner deems  
79 appropriate.

80 (b) The council shall be responsible for (1) assisting the State Board  
81 of Education in the development and implementation of the teacher  
82 evaluation guidelines, pursuant to subsection (c) of section 10-151b, as  
83 amended by this act, [and] which guidelines shall include student

84 academic growth and development as a factor in the rating of teacher  
85 performance, (2) the data collection and evaluation support system,  
86 pursuant to subsection (c) of section 10-10a, and (3) developing a  
87 model teacher performance evaluation system in accordance with the  
88 provisions of section 501 of this act. The council shall meet at least  
89 quarterly.

90 Sec. 503. Subsection (d) of section 10-151 of the general statutes is  
91 repealed and the following is substituted in lieu thereof (*Effective July*  
92 *1, 2011*):

93 (d) The contract of employment of a teacher who has attained tenure  
94 shall be continued from school year to school year, except that it may  
95 be terminated at any time for one or more of the following reasons: (1)  
96 Inefficiency or incompetence, provided, if a teacher is notified on or  
97 after July 1, 2000, that termination is under consideration due to  
98 incompetence, the determination of incompetence is based on  
99 evaluation of the teacher using teacher evaluation guidelines  
100 established pursuant to section 10-151b, as amended by this act; (2)  
101 insubordination against reasonable rules of the board of education; (3)  
102 moral misconduct; (4) disability, as shown by competent medical  
103 evidence; (5) elimination of the position to which the teacher was  
104 appointed or loss of a position to another teacher, if no other position  
105 exists to which such teacher may be appointed if qualified, provided  
106 such teacher, if qualified, shall be appointed to a position held by a  
107 teacher who has not attained tenure, and provided further that  
108 determination of the individual contract or contracts of employment to  
109 be terminated shall be made in accordance with either (A) a provision  
110 for a layoff procedure agreed upon by the board of education and the  
111 exclusive employees' representative organization, or (B) in the absence  
112 of such agreement, a written policy of the board of education; [or] (6)  
113 failure to successfully complete an improvement and remediation plan  
114 following a finding that the teacher's performance was deficient under  
115 the teacher performance evaluation system adopted by a local or  
116 regional board of education or regional educational service center; or  
117 (7) other due and sufficient cause. Nothing in this section or in any

118 other section of the general statutes or of any special act shall preclude  
119 a board of education from making an agreement with an exclusive  
120 bargaining representative which contains a recall provision. [Prior]  
121 Except as provided in the teacher performance evaluation system  
122 adopted by a local or regional board of education or regional  
123 educational service center, prior to terminating a contract, the  
124 superintendent shall give the teacher concerned a written notice that  
125 termination of such teacher's contract is under consideration and, upon  
126 written request filed by such teacher with the superintendent, within  
127 seven days after receipt of such notice, shall within the next succeeding  
128 seven days give such teacher a statement in writing of the reasons  
129 therefor. Within twenty days after receipt of written notice by the  
130 superintendent that contract termination is under consideration, such  
131 teacher may file with the local or regional board of education a written  
132 request for a hearing. A board of education may designate a  
133 subcommittee of three or more board members to conduct hearings  
134 and submit written findings and recommendations to the board for  
135 final disposition in the case of teachers whose contracts are terminated.  
136 Such hearing shall commence within fifteen days after receipt of such  
137 request, unless the parties mutually agree to an extension, not to  
138 exceed fifteen days (A) before the board of education or a  
139 subcommittee of the board, (B) if indicated in such request or if  
140 designated by the board before an impartial hearing panel, or (C) if the  
141 parties mutually agree, before a single impartial hearing officer chosen  
142 by the teacher and the superintendent. If the parties are unable to  
143 agree upon the choice of a hearing officer within five days after their  
144 decision to use a hearing officer, the hearing shall be held before the  
145 board or panel, as the case may be. The impartial hearing panel shall  
146 consist of three members appointed as follows: The superintendent  
147 shall appoint one panel member, the teacher shall appoint one panel  
148 member, and those two panel members shall choose a third, who shall  
149 serve as chairperson. If the two panel members are unable to agree  
150 upon the choice of a third panel member within five days after the  
151 decision to use a hearing panel, the third panel member shall be  
152 selected with the assistance of the American Arbitration Association

153 using its expedited selection process and in accordance with its rules  
154 for selection of a neutral arbitrator in grievance arbitration. If the third  
155 panel member is not selected with the assistance of such association  
156 within five days, the hearing shall be held before the board of  
157 education or a subcommittee of the board. Within seventy-five days  
158 after receipt of the request for a hearing, the impartial hearing panel,  
159 subcommittee of the board or hearing officer, unless the parties  
160 mutually agree to an extension not to exceed fifteen days, shall submit  
161 written findings and a recommendation to the board of education as to  
162 the disposition of the charges against the teacher and shall send a copy  
163 of such findings and recommendation to the teacher. The board of  
164 education shall give the teacher concerned its written decision within  
165 fifteen days of receipt of the written recommendation of the impartial  
166 hearing panel, subcommittee or hearing officer. Each party shall pay  
167 the fee of the panel member selected by it and shall share equally the  
168 fee of the third panel member or hearing officer and all other costs  
169 incidental to the hearing. If the hearing is before the board of  
170 education, the board shall render its decision within fifteen days after  
171 the close of such hearing and shall send a copy of its decision to the  
172 teacher. The hearing shall be public if the teacher so requests or the  
173 board, subcommittee, hearing officer or panel so designates. The  
174 teacher concerned shall have the right to appear with counsel at the  
175 hearing, whether public or private. A copy of a transcript of the  
176 proceedings of the hearing shall be furnished by the board of  
177 education, upon written request by the teacher within fifteen days  
178 after the board's decision, provided the teacher shall assume the cost of  
179 any such copy. Nothing herein contained shall deprive a board of  
180 education or superintendent of the power to suspend a teacher from  
181 duty immediately when serious misconduct is charged without  
182 prejudice to the rights of the teacher as otherwise provided in this  
183 section.

184 Sec. 504. Section 10-151b of the general statutes is repealed and the  
185 following is substituted in lieu thereof (*Effective July 1, 2011*):

186 (a) The superintendent of each local or regional board of education

187 shall continuously evaluate or cause to be evaluated each teacher, in  
188 accordance with guidelines established by the State Board of  
189 Education, pursuant to subsection (c) of this section, [for the  
190 development of evaluation programs] and such other guidelines as  
191 may be established by mutual agreement between the local or regional  
192 board of education and the teachers' representative chosen pursuant to  
193 section 10-153b<sub>2</sub>. [, continuously evaluate or cause to be evaluated each  
194 teacher.] An evaluation pursuant to this subsection shall include, but  
195 need not be limited to, strengths, areas needing improvement,  
196 strategies for improvement and multiple indicators of student  
197 academic growth. Claims of failure to follow the established  
198 procedures of such evaluation programs shall be subject to the  
199 grievance procedure in collective bargaining agreements negotiated  
200 subsequent to July 1, 2004. The superintendent shall report the status  
201 of teacher evaluations to the local or regional board of education on or  
202 before June first of each year. For purposes of this section, the term  
203 "teacher" shall include each professional employee of a board of  
204 education, below the rank of superintendent, who holds a certificate or  
205 permit issued by the State Board of Education.

206 (b) Each local and regional board of education shall develop and  
207 implement teacher evaluation programs consistent with guidelines  
208 established by the State Board of Education, pursuant to subsection (c)  
209 of this section, and consistent with the plan developed in accordance  
210 with the provisions of subsection (b) of section 10-220a.

211 (c) On or before July 1, [2013] 2012, the State Board of Education  
212 shall adopt, in consultation with the Performance Evaluation Advisory  
213 Council established pursuant to section 10-151d, guidelines for a  
214 model teacher evaluation program. Such guidelines shall provide  
215 guidance on the use of multiple indicators of student academic growth  
216 in teacher evaluations. Such guidelines shall include, but not be limited  
217 to: (1) Methods for assessing student academic growth; (2) a  
218 consideration of control factors tracked by the state-wide public school  
219 information system, pursuant to subsection (c) of section 10-10a, that  
220 may influence teacher performance ratings, including, but not limited

221 to, student characteristics, student attendance and student mobility;  
222 and (3) minimum requirements for teacher evaluation instruments and  
223 procedures."